

## **EXHIBIT 223**

FORMER GOV KENNETH E. MAPP Confidential  
Gov of the US Virgin Islands vs JP Morgan Chase

May 24, 2023

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UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

CASE NO. 22-cv-10904

GOVERNMENT OF THE UNITED  
STATES VIRGIN ISLANDS,

Plaintiff,

v.

JP MORGAN CHASE BANK, N.A.,

Defendant.

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\*CONFIDENTIAL\*

VIDEO DEPOSITION OF  
FORMER GOV. KENNETH E. MAPP

Wednesday, May 24, 2023

9:48 a.m. - 5:03 p.m.

Conducted at  
Losey, PLLC  
1420 Edgewater Drive  
Orlando, Florida 32804

Reported by:

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AUSTIN REDCAY, Videographer  
LOUWHAN WELCH, Exhibit Technician (via Zoom)

1 BY MS. ELLSWORTH:

2 Q. Gov. Mapp, we were, just before we broke,  
3 talking about the lunch that you had on Mr. Epstein's  
4 island. And, again, that was at some point between  
5 2015 and 2019. Correct?

6 A. Yeah. Yes. It may -- maybe sometime in  
7 2016.

8 Q. What was the purpose of that lunch?

9 A. Well, he -- I believe at that time we were  
10 attempting to do, float municipal bonds. And he had  
11 been trying to assist me. I actually asked for his  
12 help; as an investment person and a person that I  
13 believed to, you know, be very connected to the  
14 market.

15 We were having tremendous difficulty with  
16 the issuance of the bonds. Because at that time on  
17 the national stage Congress was really involved in the  
18 debt crisis in Puerto Rico. So there was a bill that  
19 was constructed, generally known as PROMESA, which  
20 stands for some long label of words. But it was  
21 dealing with what would happen, how it would sort of  
22 protect the bondholders, the persons holding notes in  
23 Puerto Rico, and how Puerto Rico would have to manage  
24 what was expected to be a default on its debt.

25 MR. DUNN: Excuse me. Sorry to interrupt,

1 but the witness is muted. We can't hear  
2 anything on the Zoom.

3 VIDEOGRAPHER: I apologize. I must have  
4 muted that.

5 MS. ELLSWORTH: Sorry.

6 Sorry, Jonathan. You're unmuted now.

7 A. And while the PROMESA conversations were  
8 taking place between the House and the US Senate, it  
9 was driving a lot of consternation in the market about  
10 the debt of the territories. And so we were trying to  
11 keep territories out of the PROMESA language and keep  
12 the PROMESA discussion and language specifically  
13 directed to Puerto Rico and Puerto Rico's financial  
14 issues.

15 And there was literally a collaboration  
16 that all of the territories should be -- PROMESA  
17 shouldn't be Puerto Rico specific. It should be all  
18 of the territories.

19 And so the territories, we were concerned  
20 about that. But more specifically I was concerned.  
21 Because I'm now going into the market trying to get, I  
22 believe, \$200-something-million for varying financial  
23 needs. And so we were dealing with that and trying to  
24 see how we would structure this bond deal. And one of  
25 the options that were on the table was that, if a

1 natural issuance of bonds were going to run into --  
2 was going to be hampered by the PROMESA debate and  
3 activity, what opportunities would we have for what is  
4 known as a private placement of the bonds? Because at  
5 the end of the day, the amount was \$200-something-  
6 million. And, again, the interest earnings on  
7 Virgin Islands debt is about 90% tax exempt, if not  
8 all exempt. We didn't believe we had a problem  
9 establishing our ability to pay the debt. Because  
10 we've never had any issue in paying Virgin Islands  
11 debt, given the structure that we use.

12 And so I think in that collaboration, I  
13 asked for Jeffrey Epstein -- I was seeking  
14 Jeffrey Epstein's advice. I was seeking  
15 Warren Mosler's advice, another EDC entity who does  
16 investment banking. And I believe Dave Johnson from  
17 capital markets. Who also do financial management. I  
18 was seeking their input and advice in terms of how to  
19 get -- how to be successful in issuing what was some  
20 really critically-needed bonds for financing some  
21 critical financing needs of the territory.

22 Q. (By Ms. Ellsworth) And at the lunch meeting  
23 that you had with Mr. Epstein, was the subject of  
24 discussion focused on this bond issuance issue?

25 A. It was focused on that. But Mr. Epstein

1 A. What --

2 Q. What interactions did you have with  
3 Ms. Kellahar when she was acting on behalf of  
4 Mr. Epstein or his entities while you were governor,  
5 from 2015 to 2019?

6 A. She was involved in the meeting and  
7 conversations having to do with the DPNR issues.

8 Q. Anything other than the DPNR issues that  
9 you recall discussing with Ms. Kellahar when she was  
10 acting on behalf of Mr. Epstein or his entities?

11 A. Not that I recall.

12 Q. And what about William Blum? Who is  
13 William Blum?

14 A. Well, I know William Blum well.  
15 William Blum was the chief counselor to, counsel to  
16 Gov. Juan Luis. When he served, I -- I served as  
17 Gov. Juan Luis' security as a young guy and ended up  
18 serving in his cabinet by the end of his term. So  
19 Bill Blum was Gov. Luis' chief counsel.

20 Now the issue -- well, how I came to know  
21 Bill Blum.

22 The EDC program in the Virgin Islands has a  
23 unique twist. And that unique twist is that the  
24 revenue benefits that -- the revenues that receive the  
25 tax exempt benefits in the Virgin Islands by the major



1 companies, the varying companies, are subject to being  
2 domesticated or remaining sort of in the  
3 Virgin Islands. So that if you -- if an entity has an  
4 operation going in the Virgin Islands and is based and  
5 has, as I say, a parent entity on the US mainland, and  
6 there's a level of revenues that receive a tax break,  
7 if I'm describing this accurately. And I'm subject to  
8 being corrected. If you repatriate those dollars for  
9 which you receive the tax benefits on, then they're  
10 subject to additional taxation once the dollars hit  
11 the US mainland.

12 I don't want to say sort of like if you're  
13 a US entity operating in a foreign jurisdiction and  
14 you get whatever tax structure you have in that  
15 jurisdiction, those dollars may not be sort of subject  
16 to US taxations, depending on how you do your income  
17 tax. But if you seek to repatriate the dollars back  
18 home to the US, then they become subject to some level  
19 of tax obligation.

20 And so under the EDC program of the  
21 Virgin Islands, when you receive your tax exemption  
22 and you remember now in order to get the benefit you  
23 have to sort of -- the entity has to be a resident,  
24 and generally the owner of the entity is a resident in  
25 the Virgin Islands. If you repatriate the money, then

1 you sort of lose the tax benefit. And then you owe  
2 the obligation to the IRS on the repatriation.

3 We wanted to find an avenue to make the  
4 Virgin Islands EDC program more lucrative and to drive  
5 in more companies and more owners of companies to take  
6 residence in the territory. And I already in our  
7 earlier conversation described what those benefits  
8 were to the Virgin Islands.

9 We wanted to see if we could fashion  
10 language which would have to ultimately be sanctioned  
11 by the US Congress. Because the Virgin Islands  
12 government has no jurisdiction outside the  
13 Virgin Islands. We wanted to try to fashion language  
14 that would allow repatriation either at some level, or  
15 repatriation after the dollars remained in the  
16 Virgin Islands for a specific period of time. So  
17 that the -- we knew that Congress would not -- it  
18 wouldn't be representative of any state's interest to  
19 allow immediate repatriation of the dollars. Because  
20 then why would you pay state taxes if you could just,  
21 you know, operate in the Virgin Islands and then just  
22 next year send the money to your corporate entity in  
23 whatever state you were in?

24 So we were really trying to find a nexus, a  
25 link that we could resist the political opposition.



1 And it could be seen as favorable to the expansion of  
2 the Virgin Islands' economy, and make the program more  
3 attractive if the repatriation of the dollars after it  
4 had a certain life in the Virgin Islands could occur.  
5 And if it could occur with some level of percentage  
6 being repatriated after some specific time.

7 And I know part of our discussions, the  
8 conversation between Jeffrey Epstein and myself, I  
9 would -- you know. I asked. How would that -- how  
10 could that benefit, say, his particular business? And  
11 I believe I asked Mr. Johnson, capital markets, the  
12 same question.

13 And so I believe -- Epstein, I guess, knew  
14 Will Blum. Because I was surprised when he mentioned  
15 his name. Because I knew who Will Blum was. And he,  
16 I guess on his own, got in touch with Mr. Blum. And  
17 then -- Bill knew who I was and called. And so he was  
18 helping us on seeing what kind of construct of  
19 language could be put together that could begin the  
20 process of that discussion and hopefully try to make  
21 that happen.

22 Q. And did Mr. Blum provide some draft  
23 language or a draft piece of legislation to you?

24 A. He may have. He may have.

25 Q. And was it your understanding, when

1 Mr. Blum provided a draft piece of legislation to you  
2 related to this repatriation that he was being paid by  
3 Mr. Epstein in connection with that work?

4 A. Well, he would have, had to be. Because  
5 Mr. Epstein brought him to the table.

6 I had my own counsel in Washington that --  
7 whatever legislations or drafts or whatever anybody  
8 presented to me would ultimately end up in my local  
9 counsel, my chief counsel in Government House. But we  
10 would generally send those things off to our counsels  
11 in DC. Because -- you know. Obviously, they were  
12 hired and always did our political advocacy. And then  
13 the draft of languages with varying staff at the  
14 Congress in terms of what we thought we could get  
15 through and what absolutely wasn't going to get  
16 through.

17 So, you know, Bill would -- obviously was  
18 put in contact with them. And, you know, this is not  
19 pejorative at all: Lawyers will do what lawyers will  
20 do.

21 Q. Did you have a conversation with Mr. Blum  
22 and Mr. Epstein about this repatriation legislation?

23 A. Questions. Yes. Obviously.

24 Q. And what do you recall about that  
25 conversation?

1 A. Yes.

2 Q. Do you know what "Seb" refers to in this  
3 email?

4 MR. ACKERMAN: Object to form.

5 A. Sebastiano Paiewonsky Cassinelli?

6 Q. (By Ms. Ellsworth) I'm asking you if you  
7 have --

8 A. That's all I can think it is.

9 Q. Okay. Do you recall ever discussing with  
10 Ms. de Jongh your campaign either attacking or not  
11 attacking former Gov. de Jongh?

12 A. No.

13 Q. And do you recall with Mr. Epstein your  
14 campaign either attacking or not attacking  
15 Gov. de Jongh?

16 A. No.

17 MR. ACKERMAN: Object to form.

18 MS. ELLSWORTH: Tab 14, please. Thank you.

19 I've marked as Exhibit 5 a document

20 Bates-labeled ESTATE\_JPM015733.

21 (Exhibit 5 marked for identification.)

22 MS. ELLSWORTH: Take a look and let me know  
23 when you've had a chance to do so.

24 THE WITNESS: Okay.

25 Q. (By Ms. Ellsworth) This is an email from --

1 at the top at least -- from Ms. de Jongh to  
2 Mr. Epstein dated December 18, 2014?

3 A. Uh-hum.

4 Q. And it is entitled "Inaugural Committee."

5 You testified earlier that you believed  
6 Mr. Epstein had testified to your inaugural committee.  
7 Correct?

8 MR. ACKERMAN: Object to form.

9 A. That he had --

10 Q. (By Ms. Ellsworth) -- contributed to your  
11 inaugural committee?

12 A. Yes.

13 Q. Does this refresh your recollection as to  
14 the amount that Mr. Epstein donated?

15 MR. ACKERMAN: Object to form.

16 A. This is the first time I am seeing an  
17 amount.

18 Q. (By Ms. Ellsworth) And my question is:  
19 Does this refresh your recollection that  
20 Jeffrey Epstein donated \$10,000 to your Inaugural  
21 Committee?

22 MR. ACKERMAN: Objection.

23 A. I had no knowledge of how much he donated,  
24 but I believed he did donate to the Inaugural  
25 Committee.

1 Q. (By Ms. Ellsworth) Okay. Do you have any  
2 reason to doubt that he donated \$10,000?

3 A. I have none.

4 Q. The bottom of this email chain begins with  
5 an email from Sebastiano Paiewonsky Cassinelli.  
6 Correct?

7 A. That's what it says.

8 Q. Is that different than Filippo Cassinelli?

9 A. That would be his brother.

10 Q. Okay. And did Sebastiano Cassinelli work  
11 for your campaign?

12 A. He supported the campaign.

13 Q. Okay. Was he involved in planning your  
14 inaugural event?

15 A. No. I don't know -- other than the folks  
16 that I have designated as the head of the inaugural  
17 committee, I don't know who all was involved. But I  
18 know many businesses and folks got involved in the  
19 inaugural event.

20 Q. Do you recall who was the -- who were the  
21 designated heads of your inaugural committee?

22 A. Former First Lady Barbara Schneider and  
23 Former First Lady Luz Luis.

24 Q. Do you recall -- did you throw an inaugural  
25 event?

1 A. No.

2 Q. The beginning of this email -- I'm sorry --  
3 in that second paragraph, beginning with "Mapp would  
4 like."

5 A. Yes.

6 Q. Ms. de Jongh references previous  
7 discussions she has had with you with regards to  
8 eCommerce?

9 A. Uh-hum.

10 Q. When do you recall first discussing  
11 eCommerce issues with Mr. Epstein?

12 A. It may have come up when I met with him as  
13 part of my spiel in terms of what are some of the  
14 priorities if I am successful at becoming Governor.  
15 Because I -- that was one of the big issues for me.

16 Q. Do you have any more specific recollection  
17 about discussing eCommerce issues with Mr. Epstein?

18 MR. ACKERMAN: Object to form.

19 A. As I said, during the course of some of my  
20 meetings. Any ability he had from clientele and folks  
21 in particularly in the investment market. The money  
22 market area. The money industry. That it became a  
23 selling point for financial managers in the  
24 Virgin Islands. Because here we had a redundant  
25 platform that was tied in by fiber-optic and undersea



1 cables directly into Florida and into New York. That  
2 could benefit such a business.

3 So to the extent of making that well-known  
4 and looking for recommendations and spreading the word  
5 that the Virgin Islands had this unique attribute that  
6 it was pushing for business investment, that would be  
7 the extent of the conversations.

8 Q. (By Ms. Ellsworth) Is it fair to say that  
9 one of your campaign platforms when you ran for  
10 governor was to increase business investment in the  
11 Virgin Islands?

12 A. Significantly.

13 Q. And one of your key platforms as governor  
14 was to increase business investment in the  
15 Virgin Islands?

16 A. Yes.

17 Q. And you did discuss those platforms with  
18 Mr. Epstein as a business owner on the Virgin Islands.  
19 Correct?

20 A. Yes.

21 Q. Did you discuss Mr. Epstein's advice about  
22 increasing government -- excuse me -- business  
23 investment in the US Virgin Islands?

24 A. Mr. Epstein. Members of the Chamber of  
25 Commerce. Other members of the EDC Community. Local

1 businesses. Members of Congress. Members of the  
2 Senate.

3 Any advice, any way that folks felt the  
4 Virgin Islands lacked in its approach to its messages  
5 about the Virgin Islands being open for business and  
6 how to help facilitate business investment. And even,  
7 you know, a number of folks had a lot of  
8 recommendations about some of the failures within the  
9 Virgin Islands's public system in terms of  
10 facilitating business growth and development in terms  
11 of how we handle registering businesses, licensing  
12 businesses. Just the time involved and the  
13 bureaucratic -- the bureaucracy, and how it impacted  
14 and delayed and frustrated people.

15 You know. I was just open to all of that.

16 Q. And so the answer is yes, you did seek  
17 Mr. Epstein's advice about how to increase business  
18 investment in the Virgin Islands?

19 A. Yes. Yes.

20 MR. ACKERMAN: Object to form.

21 Q. (By Ms. Ellsworth) What advice do you  
22 recall receiving from Mr. Epstein about how to  
23 increase business investment in the Virgin Islands?

24 A. Some of the bureaucracy issues. Some of  
25 the limitations that EDC businesses faced. And I

1 think we exhausted quite a bit of time talking about  
2 the repatriation issues. Certainly the limitation on  
3 travel, as it affected everyone in the Virgin Islands.  
4 But particularly members of the EDC community across  
5 the board. A number of EDC companies raised that  
6 issue with me, with the regulation of Treasury.  
7 Things of that nature.

8 Q. After you became Governor -- well,  
9 withdrawn.

10 You had a separate campaign fund as a part  
11 of your campaign in 2014. Correct?

12 A. Well, when you say "separate campaign  
13 fund" --

14 Q. Let me start the question again.

15 You had a campaign fund as a part of your  
16 2014 campaign?

17 A. Yes. Yes.

18 Q. Okay. Did you use that same fund in the  
19 2018 campaign?

20 A. I believe we did. Yes.

21 Q. Okay. Did you also have a political action  
22 committee or PAC that was associated with your  
23 campaign?

24 A. Well, there were -- there were PACs out  
25 there of people who were supporting the campaign and